

REMARKS

Claims 1-30 are pending in the application. It is gratefully acknowledged that Claims 9, 17-19, 22 and 30 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 1-8, 10-16, 20, 21 and 23-29 are rejected under 35 U.S.C. §103(a) as unpatentable over Odenwalder et al. (U.S. Patent 5,909,434) in view of Ikeda et al. (U.S. Patent 5,691,995).

Please cancel Claims 24-27 without prejudice.

Regarding the rejections of independent Claims 1 and 11 under §103(a), the Examiner states that Odenwalder in view of Ikeda renders the claims unpatentable. Odenwalder discloses bright and burst mode signaling data transmission in an adjustable rate wireless communication system; and, Ikeda discloses transmission of data by using convolutional coding of different code rates and encoded data reception including decoding of the received data.

Each of Claims 1 and 11 recite, in part, replacing a portion of the second frame message with the first frame message, i.e. the replacement of part of one distinct frame message with another frame message. Ikeda merely discloses a generic multiplexing process. A multiplexing process results in all of the data input into the multiplexor being eventually output from the multiplexor. Replacing data in a frame means that the some of the original data is no longer being included in the frame. Ikeda does not teach or disclose replacing a portion of the second frame message with the first frame message as recited in Claims 1 and 11. Odenwalder does not cure these defects of Ikeda.

The combination of Odenwalder and Ikeda results in a multiplexed frame that includes all of the data input into the multiplexor, which is not and cannot be equated with generating a first frame message and generating a second frame message and replacing a portion of the second

frame message with the first frame message as recited in Claims 1 and 11.

Based on at least the foregoing, withdrawal of the rejection of Claims 1 and 11 under §103(a) is respectfully requested.

Independent Claims 1 and 11 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims, 2-8, 10, 12-16, 20, 21, 23, 28 and 29, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-8, 10, 12-16, 20, 21, 23, 28 and 29 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-23 and 28-30, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DyLkOw', with a stylized flourish at the end.

Douglas M. Owens, III
Reg. No. 51,314
Attorney for Applicants

THE FARRELL LAW FIRM
290 Broadhollow Road, Suite 210 E
Melville, New York 11747
Tel: (516) 228-3565
Fax: (516) 228-8475

DMO/MJM/df